

UNANIMOUS-CONSENT
AGREEMENT—H.R. 927

Mr. GRASSLEY. Mr. President, I ask unanimous consent that notwithstanding rule XXII of the standing rules of the Senate, Senators have until close of business today to file first-degree amendments to the substitute amendment to H.R. 927, the Cuba Libertad bill, in conjunction with the cloture vote to take place on Tuesday of next week.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that I be allowed to speak as if in morning business for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE AMERICAN PUBLIC'S DISSATISFACTION WITH CONGRESS
r the quorum call be rescinded.

Mr. ASHCROFT. Mr. President, the American public's dissatisfaction with the Congress is again on the rise. The American public's faith in its elected leaders is waning, and I think there are reasons for this disturbing trend.

I think it is because when the people look at Washington, DC, they are beginning again to see what they have seen in years past. They see business as usual. They see politicians putting self-interest first and politics first. They see politicians perhaps then moving to parochial interests or just the interests of a small part of the country. The national interest, it seems, follows somewhere after the special interests. But it takes a long time, as people watch this body deliberate, for them to see us finally get to the national interest. It sees a body in deliberation that finds it very difficult to confront the issues that the people have actually sent us here to confront.

In short, I think the American people see an imperial Congress, a Congress that is perceived to be arrogant and indifferent and out of touch, and seen so because the agenda of the people is accorded a standing which is simply disproportionately low compared to the standing of the political interests, the special interests, the provincial or parochial interests.

I think it is important that we begin again to restate and redemonstrate our commitment to the agenda of the American people. As the people grow in their dissatisfaction, they manifest their disapproval in a number of ways which are clear and apparent.

Approval ratings of Congress are at an all-time low again. We have man-

aged to snatch from the jaws of victory a defeat here. The American people were beginning to think that they could count on us for reform. As a matter of fact, there are a number of substantial reforms which we have undertaken. We have made a commitment to balance the budget in 7 years, and that is important. And we are on track for doing it. That is significantly different than the President of the United States who said he wants to balance the budget in 10 years. But if you look through the smoke and mirrors of those 10 years, you find that they are predicated upon administration figures, and they do not have the integrity or validity of the Congressional Budget Office bipartisan figures that the Congress is using.

It is a shame when we are making that kind of progress, when we are doing welfare reform that is substantial and will make a real difference, when we are addressing major issues, that we again are falling in the approval of the American people. But I think it is because they see some of the endemic, old-time politics as usual rising again to the surface. You see our two-party system being questioned and people talking about a third party and people discussing the potential of independent candidates with an alarming frequency and with a tremendous—well, it is an alarming array of support. There is a new desire for a third party and a reincarnation again of Ross Perot.

I think we need to demonstrate that, as American people, we are a different kind of Congress, that this Congress which was elected in 1994 is a Congress where our rhetoric is matched by our resolve. It is a Congress where our agenda meets the agenda and the challenges of the American people. It is a Congress where our greatest concern is not losing a vote but losing the faith of the American people.

I think in order to reacquire the confidence of the people we have to be willing again to tackle the toughest issues—issues like the balanced budget and term limits which represent fundamental systemic reform. We now have the opportunity to keep the faith on term limits. We are in the process of making good on our commitment for a balanced budget. But we have an opportunity to keep the faith on term limits. To do so will require courage—not the courage of shying away from fights and delaying votes, but the courage of meeting our challenges and keeping the faith with the American people. We came here to change Washington. We need to ensure that Washington does not change us.

There are lessons to be learned, lessons about how to get things done, about how to be most effective, about how not to spin our wheels, how to take advantage of the rules so we are not dislocated in our efforts for achievement by those who are much more familiar with the process than we are.

But there are things that we do not want to learn here in Washington. We do not want to learn about sacrificing our principles or setting aside the agenda of the American people.

We do not want to learn how to avoid or skirt dealing with the issues for which we were sent here. We do not want to learn to act just for political expedience. Those would be substantial lessons, but they would be lessons which would drive us away from the American people and drive the wedge of insecurity and a lack of confidence between the people and their representatives.

We must always be sure that we are ready to fight for principles, always stand up for what we know is right even if it means losing a vote.

As you well know, Mr. President, I am speaking about our commitment to address the issue of term limits. Why are term limits important? Because they help restore one of the first principles of the American people and the American Republic, and that is representative democracy. Term limits help ensure that there are competitive elections. When incumbents are running for public office, even in years where there is as much revolutionary change as there was in 1994, incumbents win 91 percent of the time. Yes, even in the revolution of 1994, incumbents won 91 percent of elections where they were seeking reelection.

How? Well, they use their biggest perk. That is incumbency. If you look at the data about who raises the most funds and who can just simply blow away the competition, it is the fact that incumbents have the ability to amass these war chests. They obviously have the most easy access to the media. They speak from an official position. And incumbency becomes a perk which is so big that it tilts the playing field. It is unfair to expect that there would be a massive infusion of the will of the people against incumbency, at least few are asking for it in the election, because the incumbents are so inordinately favored with the tools of politics—access to the podium and the resources that are necessary to buy advertising.

We need term limits to help ensure accountability. Individuals who know that they will be returning to their districts or to their home States to live under the very laws that they enact, I believe, will have a different kind of incentive to deal with the public interest rather than the special interests or rather than the provincial interests or rather than the political interests, to deal with the interests of this Nation. The national interests of America would be elevated if we were to embrace the concept of term limits.

Term limits would also help to ensure the right kind of voice of the people in Government by making it possible for new people and new ideas to come here. We need to open the doors of Government to the citizens of this country, and I think having reasonable

term limits would make it possible not only for more people to serve but for groups of people that have previously been unrepresented to have the opportunity for running in elections where there are open seats. Those open seat elections are the kinds of elections that can provide opportunity for newcomers to the process—the minorities, the women who would seek to be candidates.

Incumbency is such an advantage that that tilted playing field, added to the disadvantage of people who do not have a heritage of running for public office, makes their access to public office almost impossible. Term limits would help remedy that problem. We need to return to the concept of a citizen legislature. We need a new respect for ideas that come from the people, not from the power. When we allow the voice of the people to be heard, we will really again begin to see a restoration of the public confidence in American Government.

Now, the problem of term limits and the enactment of term limits is a significant one, and it is compounded by the events of recent days. Last year, the executive branch, the Clinton administration, sent its lawyers from the Justice Department into court to argue in the Thornton case against the right of States to impose term limits on Members of Congress. So the executive branch has clearly stated—at least the Clinton administration has—that it is against the right of the people as expressed in 23 of the States already that tried to impose term limits on their States and on their State's representatives to the Congress. The Clinton administration has said that door is slammed shut. The executive branch opposes that, went to court, and argued in the Supreme Court against it.

The people know that there are three branches of Government, and they looked to the judicial branch, they looked to the Supreme Court until last spring when the Supreme Court again slammed the door of self-government in their faces, saying you do not have a right in your State to say how long any individual would be eligible for service in the U.S. Congress. It is not up to you. We know better than you here in Washington. We will slam that door shut.

Having exhausted the potential of the executive branch and having experienced the disappointment of a ruling in the judicial branch, the people of America, seeking a branch of Government confident in the voice of the people, confident in wanting to recognize the inputs of people, wanting to swing wide the door of self-government rather than to hold it shut, the people of America are looking now to the Congress, the House of Representatives and the Senate.

Earlier in the year, we scheduled that on this day and the day preceding—yesterday—we would devote these 2 days to a debate of term limits and a vote on term limits. It would be the

first time in history that we would have done so, and we would have been able to vote on an amendment that passed out of the Judiciary Committee.

That amendment was passed out not only with a majority but with a bipartisan majority and sent to the floor of this Senate for consideration, and, well, we are simply not debating that. As a response to our change in plans, I simply do not want us to avoid confronting this issue that the American people expect us to confront.

Will we win a vote? Since the Thornton case, where the State of Arkansas's laws were struck down by the Supreme Court, it means that we will have to have 67 votes in order to win enough support for a constitutional amendment in this Chamber and two-thirds, of course, in the House of Representatives. Frankly, that is unlikely. But that does not mean we should not begin. And the American people deserve a vote on this issue because we promised them we would give them a vote on this issue and because they deserve a vote on this issue to identify who the supporters are and who the supporters are not.

Seventy-four percent of the people of this country registered their approval for term limits; 23 States have actually tried to enact them on a State-by-State basis in spite of the fact that the Supreme Court has said it cannot be done, and two additional States will be voting on term limits in the South in the next couple weeks.

I think it is time for us Members of the Senate to respond to our own commitment to have a vote on term limits, and that is why I have offered an amendment to this measure which is now being considered on our relationship to our neighbor to the south, to Cuba, and saying we need a sense of the Senate providing a marker for every Member of this body to cast a ballot either in favor of term limits or against term limits. I look forward to a vote on that amendment. I look forward to a vote on that amendment in the near future, a vote that will not be binding, no, because it is just a sense of the Senate—not binding, but it will be revealing, a vote that will finally allow the American people to know where Senators stand on this very important issue.

I believe term limits provides an opportunity for us to justifiably regain the confidence of the American people because a vote on term limits is something we promised the American people. It is something we should deliver, not just because we promised it but because the people of America want it. It is a part of the agenda of the American people and as such it must be a part of the agenda of the Senate.

Mr. President, I thank the Chair for this opportunity, and I yield the floor.

Mr. President, I observe the absence of a quorum.

The PRESIDING OFFICER (Mr. COVERDELL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

FRAUD IN THE MEDICARE SYSTEM

Mr. HARKIN. Mr. President, I could not believe my eyes this morning when I opened up the front page of the newspaper. And here is the headline, Mr. President: "Gingrich places low priority on Medicare crooks, defends cutting anti-fraud defenses."

Well, what is this all about, Mr. President? Well, what it is about is the House bill, the House bill on Medicare reform, which I think ought to be titled, "The Scam Artist Protection Act." But, Mr. President, do not take my word for it. Here is a letter dated September 29 from the inspector general's office of the Department of Health and Human Services.

It says:

However, if enacted, certain major provisions of H.R. 2389—

The House bill.

would cripple the efforts of law enforcement agencies to control health care fraud and abuse in the Medicare program and to bring wrongdoers to justice.

"Would cripple their efforts." And so the Speaker yesterday says, "It is all right. No big deal." He said that it is more important to lock up murderers and rapists than dishonest doctors. Well, it is important to lock up murderers and rapists. You bet it is. But what does that have to do with Medicare fraud? Talk about using a logic that just about takes all right there.

But even more astounding is this quote attributed to the Speaker. When he was pressed on it, he said that they might be willing to negotiate on it. He said—this is a quote attributed to the Speaker—"We can be talked out of it if there is enough public pressure."

I will repeat that:

We can be talked out of it if there is enough public pressure.

Talked out of what? Talked out of easing the antifraud measures that we now have in the law?

I think in that statement is a tacit acknowledgment by the Speaker that they are, indeed, opening the doors to more fraud and abuse in Medicare. But he said if there is enough public pressure, we can change it.

If we can slip it through in the dark of night, if we can do it behind closed doors, if we can ram it through in a hurry and the public does not know about it, we will do it. But if the public finds out about it and they put pressure on us, well then, we will change it.

Mr. President, I am here to start putting pressure on us. The public ought to put pressure on us, because what has been happening in Medicare is billions of dollars in proportion. The ripoffs, the fraud, the waste and abuse is ongoing and getting worse instead of better,